



General Assembly

Substitute Bill No. 33

February Session, 2012

* ____SB00033TRA__031612__ *

**AN ACT CONCERNING DEPARTMENT OF TRANSPORTATION
PROJECT DELIVERY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) The Commissioner of
2 Transportation may, as an alternative to using a design-bid-build
3 contract pursuant to chapter 238 of the general statutes, designate
4 specific projects to be completed using a (1) construction-manager-at-
5 risk contract with a guaranteed maximum price, or (2) design-build
6 contract.

7 (b) If the commissioner designates a project to use a construction-
8 manager-at-risk contract with a guaranteed maximum price, the
9 commissioner may enter into a single contract with an architect or
10 engineer for the project design, as well as a single contract with a
11 construction-manager-at-risk contractor who will provide input during
12 the design process and be responsible for the construction of the
13 project by selecting trade subcontractors using a low sealed bid
14 process. The construction-manager-at-risk contract shall have an
15 established guaranteed maximum price. The commissioner may select
16 the architect, engineer or contractor from among the contractors
17 selected and recommended by a selection panel. Any such contract for
18 such project shall be based upon competitive proposals received by the
19 commissioner, who shall give notice of the project, by advertising at

20 least once, in a newspaper having a substantial circulation in the area
21 in which the project is located. Award of any such contract shall be
22 based upon the general conditions and staff costs plus qualitative
23 criteria. The commissioner shall establish all criteria, requirements and
24 conditions of such proposals and award and shall have sole
25 responsibility for all other aspects of the project. Any contract shall
26 clearly state the responsibilities of the contractor to deliver a completed
27 and acceptable project on a date certain, the maximum cost of the
28 project, and, if applicable, as a separate item, the cost of property
29 acquisition.

30 (c) If the commissioner designates a project to use a design-build
31 contract, the commissioner may enter into a single contract with the
32 design-builder, who the commissioner may select from among the
33 design-builders selected and recommended by a selection panel. The
34 contract shall (1) include, but not be limited to, such project elements
35 as site acquisition, permitting, engineering design and construction,
36 and (2) be based on competitive proposals received by the
37 commissioner, who shall give notice of the project and specifications
38 for the project, by advertising, at least once, in a newspaper having a
39 substantial circulation in the area in which the project is located.
40 Award of the design-build contract shall be based on a predetermined
41 metric provided to proposers in advance of technical proposal
42 development. This metric may be unique to each project, but shall
43 consist of a combined score of qualifications and past performance of
44 the proposer, technical merit of the proposal and cost. The
45 commissioner shall establish a selection panel for each project to score
46 the qualifications and past performance and technical portion of the
47 proposal using the predefined scoring metric. The sealed cost portion
48 of the proposal shall be opened in a public ceremony only after the
49 qualifications and past performance and technical portions of the
50 proposals have been scored. The commissioner shall determine all
51 criteria, requirements and conditions for such proposals and award
52 and shall have sole responsibility for all other aspects of the contract.
53 Such contract shall state clearly the responsibilities of the design-

54 builder to deliver a completed and acceptable project on a date certain,
55 the maximum cost of the project, and, if applicable, as a separate item,
56 the cost of property acquisition.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>from passage</i>	New section
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Statement of Legislative Commissioners:

In subsections (b) and (c), grammatical changes were made for readability.

TRA *Joint Favorable Subst.-LCO*